

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRICKLAYERS AND ALLIED :
CRAFTWORKERS LOCAL 1 OF PA/DE, et al. :
Plaintiffs :
v. :
R&M MASONRY CONTRACTORS, INC., et al. : No. 2:17-cv-00286-GJP
Defendants :

**DEFENDANTS' INITIAL DISCLOSURES
PURSUANT TO RULE 26(a)(1)**

Defendants, R&M Masonry Contractors, Inc. and Richard S. Lee, III, individually (collectively hereinafter referred to as “Defendants”), by and through their undersigned counsel, hereby submit to Plaintiffs their Initial Disclosures pursuant to Fed. R. Civ. P. Rule 26(a)(1). These disclosures are made in good faith, based upon the allegations asserted and issues presented by Plaintiffs as Defendants presently understand them. These disclosures are limited to information reasonably available to Defendants at the present time and are subject to Defendants ongoing investigation and discovery in the case. Defendants hereby reserve the right to present evidence beyond that disclosed herein, including any information or documents disclosed by Plaintiffs.

(A) The name, address and telephone number of individuals likely to have discoverable information that Defendants may use to support its defenses are as follows:

Richard S. Lee, III
R&M Masonry Contractors, Inc.
820 Fox Chase Road, Suite 2
Rockledge, PA 19046
(215) 379-8410

Frederick Muller
(Former Bookkeeper of R&M Masonry Contractors, Inc.)
2560 Ball Road
Willow Grove, PA 19090
(215) 659-1994

Jeffrey S. Rieder, CPA
Wouch Maloney & Co., LLP
415 Sargon Way, suite J
Horsham, PA 19044-1289
(215) 675-8364

The subjects associated with the discoverable information that each of the above individuals will likely have are the contribution payments made by R&M Masonry Contractors, Inc. ("R&M") to B.A.C. Local #1 PA/DE Health & Welfare Fund and B.A.C. Local #1 PA/DE Fringe Benefit Fund as well as R&M's recordkeeping regarding said payments during the time period of January 1, 2013 through December 31, 2014.

(B) A description by category of all documents in the possession, custody or control of Defendants that Defendants may use to support its defenses:

1. Employer Reports prepared by or on behalf R&M Masonry Contractors, Inc. ("R&M") for the period of January 1, 2013 through December 31, 2014;
2. R&M's payroll documents for the period of January 1, 2013 through December 31, 2014;
3. Proof of payment of the contribution benefits to B.A.C. Local #1 PA/DE Health & Welfare Fund and B.A.C. Local #1 PA/DE Fringe Benefit Fund for the period of January 1, 2013 through December 31, 2014;
4. Correspondence from B.A.C. Local #1 PA/DE Health & Welfare acknowledging receipt of contribution payments for January 1, 2013 through December 31, 2014; and
5. Correspondence between R&M and Novak/Francella, LLC regarding the audit of R&M's payroll records for the period of January 1, 2013 through December 31, 2014.

The aforementioned documents are located in office of the undersigned, and a copy of said documents will be sent, via first class mail, to counsel for the Plaintiffs.

(C) Computation of Damages

N/A

(D) Insurance Information

N/A

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

BY:/s/ William D. Auxer

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Attorneys for Defendants,
R&M Masonry Contractors, Inc. and
Richard S. Lee, III, individually

Date: April 10, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Defendants' Initial Disclosures was caused to be sent by first class mail, postage prepaid by the undersigned on the date stated below, to the addressee stated below:

Robert P. Curley, Esquire
O'Donoghue & O'Donoghue, LLP
Constitution Place, Suite 515
325 Chestnut Street
Philadelphia, PA 19106

KAPLIN STEWART MELOFF REITER & STEIN, P.C.

BY:/s/ William D. Auxer

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Date: April 10, 2017

Attorneys for Defendants,
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Richard S. Lee, III, individually